

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, ROANOKE DIVISION**

Tory Teigen v. Sgt. Osborne, et al.

Teigen · No. 7:25-cv-00410 · Decided April 16, 2026

SUMMARY

The United States District Court for the Western District of Virginia summarily dismissed Tory Teigen’s 42 U.S.C. § 1983 action without prejudice. The court held that alleged deprivation of personal property did not support a federal due process claim because Virginia provides adequate post-deprivation remedies, and that mishandling prison grievances does not violate a constitutionally protected right.

OPINION

CLERKS OFFICE US DISTRICT IN THE UNITED STATES DISTRICT COURT AT ROANOKE, VA FOR THE WESTERN DISTRICT OF VIRGINIA April 16, 2026 ROANOKE DIVISION LAURA A. AUSTIN, CLEF By: /s/ M. Poff DEPUTY CLERK TORY TEIGEN,)) Plaintiff,) Case No. 7:25CV00410) V.) OPINION) SGT. OSBORNE, et al.,) JUDGE JAMES P. JONES) Defendants.) Tory Teigen, Pro Se Plaintiff.

The plaintiff, a Virginia inmate proceeding pro se, has filed this action under 42 U.S.C. § 1983, claiming that the defendants confiscated, damaged, or disposed of his personal property and failed to remedy the issue through the grievance process. Upon review, I conclude that this § 1983 action must be summarily dismissed.

The court must dismiss a case “at any time” if the court determines that the complaint “fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B)(1i). Teigen has submitted this case under 42 U.S.C. § 1983, a statute that permits an aggrieved party to file a civil action against a person for actions taken under color of state law that violated his constitutional rights.

Cooper v. Sheehan, 735 F.3d 153, 158 (4th Cir. 2013). Teigen complains that after being transferred to a new building, the defendants violated his constitutional rights by depriving him of personal property, including technology items, clothing, personal hygiene products, books, photos, and letters.

As a constitutional claim, this contention lacks merit. In the prison context, “where a loss of property is occasioned by a random, unauthorized act by a state employee, rather than by an

established state procedure, the state cannot predict when the loss will occur.” *Hudson v. Palmer*, 468 U.S. 517, 532 (1984).

Therefore, “if a meaningful postdeprivation remedy for the loss is available,” the inmate has no constitutional due process claim, regardless of whether the employee’s actions were intentional or the result of negligence. *Id.* at 533.

The Virginia Tort Claims Act and Virginia tort law provide adequate post-deprivation remedies for negligent or intentional wrongful acts committed by state employees. *Wadhams v. Procnier*, 772 F.2d 75, 78 (4th Cir. 1985).

Therefore, I must summarily dismiss Teigen’s § 1983 claims that any defendant violated his federal due process rights by intentionally or negligently depriving him of property. Furthermore, to the extent that Teigen asserts that his constitutional rights were violated by the defendants’ alleged mishandling of his grievances, it is well established that inmates do not have a constitutionally protected right to participate in a prison grievance procedure.

Adams v. Rice, 40 F.3d 72, 75 (4th Cir. 1994). Consequently, a jail official’s failure to comply with the jail’s grievance procedure does not violate any constitutionally protected right. *Mann v. Adams*, 855 F.2d 639, 640 (9th Cir. 1988).

To the extent that Teigen seeks to hold jail officials liable under § 1983 for not following the jail’s grievance procedures, I must dismiss such claims. Accordingly, I will summarily dismiss the Complaint without prejudice under § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted. A separate Judgment will be entered herewith. ENTER: April 16, 2026 /s/ JAMES P. JONES Senior United States District Judge